

Senate Bill No. 432

CHAPTER 470

An act to amend Section 3058.65 of the Penal Code, and to amend Section 16507 of the Welfare and Institutions Code, relating to parole.

[Approved by Governor October 3, 2001. Filed with
Secretary of State October 4, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 432, Monteith. Parole: child abuse.

Existing law requires that whenever a person confined in prison for a violent felony as defined, is to be released upon parole, the parole authority must notify the specified local law enforcement agency and the district attorney, who has jurisdiction in the community where the parolee is to be released. The notice must be made at least 45 days prior to the scheduled release of the inmate and must include specified information relating to the parolee, including the parolee's name, whether the parolee is required to register with local law enforcement, and the community in which the parolee will reside upon release. The agencies receiving notice are authorized to provide written comment to the parole authority responding to the scheduled release and these comments must be considered by the parole authority who is authorized to modify its decision regarding the community in which the parolee is to be released.

Existing law also requires that the parole authority provide notice to the immediate family of the victim, upon request, whenever a person confined in state prison for specified crimes involving child abuse as specified, or any sex offense specified as being perpetrated against a minor, or as ordered by a court, is scheduled to be released.

This bill would add to this notice requirement the release of a person who was confined for an act of domestic violence. The bill would require that notice also be given to a county child welfare services agency that requests notification.

Existing law requires that family reunification services be provided or arranged for by county welfare department staff in order to reunite the child separated from his or her parent because of abuse, neglect, or exploitation. These services shall not exceed 12 months, except as provided.

This bill would provide that when a county child welfare services agency is providing one parent with family reunification services and the other parent is serving a prison term for the conviction of child abuse,

any sex offense specified as being perpetrated against a minor, or an act of domestic violence, the agency may request that it be provided with notification that the imprisoned parent is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation with a new commitment.

The people of the State of California do enact as follows:

SECTION 1. Section 3058.65 of the Penal Code is amended to read:

3058.65. (a) (1) Whenever any person confined in the state prison is serving a term for the conviction of child abuse, pursuant to Section 273a, 273ab, 273d, any sex offense specified as being perpetrated against a minor, or an act of domestic violence, or as ordered by a court, the Board of Prison Terms, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168, or the Department of Corrections, with respect to inmates sentenced pursuant to Section 1170, shall notify the following parties that the person is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation without a new commitment, as specified in subdivision (b):

(A) The immediate family of the parolee who requests notification and provides the department with a current address.

(B) A county child welfare services agency that requests notification pursuant to Section 16507 of the Welfare and Institutions Code.

(2) For the purposes of this paragraph, “immediate family of the parolee” means the parents, siblings, and spouse of the parolee.

(b) (1) The notification shall be made by mail at least 45 days prior to the scheduled release date, except as provided in paragraph (2). In all cases, the notification shall include the name of the person who is scheduled to be released, the terms of that person’s parole, whether or not that person is required to register with local law enforcement, and the community in which that person will reside. The notification shall specify the office within the Department of Corrections that has the authority to make the final determination and adjustments regarding parole location decisions.

(2) When notification cannot be provided within the 45 days due to the unanticipated release date change of an inmate as a result of an order from the court, an action by the Board of Prison Terms, the granting of an administrative appeal, or a finding of not guilty or dismissal of a disciplinary action, that affects the sentence of the inmate, or due to a modification of the department’s decision regarding the community into which the person is scheduled to be released pursuant to paragraph (3), the department shall provide notification to the parties and agencies



specified in subdivision (a) as soon as practicable, but in no case less than 24 hours after the final decision is made regarding the location where the parolee will be released.

(3) Those agencies receiving the notice referred to in this subdivision may provide written comment to the board or department regarding the impending release. Agencies that choose to provide written comments shall respond within 30 days prior to the inmate's scheduled release, unless an agency received less than 45 days' notice of the impending release, in which case the agency shall respond as soon as practicable prior to the scheduled release. Those comments shall be considered by the board or department which may, based on those comments, modify its decision regarding the community in which the person is scheduled to be released. The board or department shall respond in writing not less than 15 days prior to the scheduled release with a final determination as to whether to adjust the parole location and documenting the basis for its decision, unless the department received comments less than 30 days prior to the impending release, in which case the department shall respond as soon as practicable prior to the scheduled release. The comments shall become a part of the inmate's file.

(c) In no case shall the notice required by this section be later than the day the person is released on parole.

SEC. 2. Section 16507 of the Welfare and Institutions Code is amended to read:

16507. (a) Family reunification services shall be provided or arranged for by county welfare department staff in order to reunite the child separated from his or her parent because of abuse, neglect, or exploitation. These services shall not exceed 12 months except as provided in subdivision (a) of Section 361.5 and subdivision (c) of Section 366.3. Family reunification services shall be available without regard to income to families whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Section 300. Family reunification services shall include a plan for visitation of the child by his or her grandparents, where the visitation is in the best interests of the child and will serve to maintain and strengthen the family relationships of the child.

(b) Family reunification services shall only be provided when a child has been placed in out-of-home care, or is in the care of a previously noncustodial parent under the supervision of the juvenile court.

(c) When a minor has been placed in foster care with a nonparent, family reunification services may be provided to one or both parents.

(d) When a county child welfare services agency is providing one parent with reunification services and the other parent is serving a prison term for the conviction of child abuse, pursuant to Section 273a, 273ab,



or 273d of the Penal Code, any sex offense specified as being perpetrated against a minor, or an act of domestic violence, the county child welfare services agency may request that the Board of Prison Terms, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168 of the Penal Code, or the Department of Corrections, with respect to inmates sentenced pursuant to Section 1170 of the Penal Code, provide the agency, during the time in which reunification services are being provided, with notification that the person is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation without a new commitment.

